

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

David E. White, AICP, Director

Ken Lerner, Assistant Director

Sandrine Thibault, AICP, Comprehensive Planner

Jay Appleton, Senior GIS/IT Programmer/Analyst

Scott Gustin, AICP, CFM, Senior Planner

Mary O'Neil, AICP, Senior Planner

vacant, Zoning Clerk

Elsie Tillotson, Department Secretary



MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: April 7, 2015

RE: 289 College Street; ZP15-0656CA/MA

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.



File: ZP15-0656 CA/MA

Location: 289 College Street

Zone: RH **Ward:** 2

Sketch Plan Review: November, 2014

NPA Meeting Date: October 8, 2014

Date application accepted: November 26, 2015

Design Advisory Board Review: December 9, 2014.

Request for deferral: December 17, 2014

Revised Plans Submitted: March 12, 2015

Applicant/ Owner: Bob Duncan / 289 Live/Work LLC; Bruce Baker and Gregory Doremus

Request: Addition to existing mixed use (office/1 residence) historic building; joined building to include 12 apartments, flat roof connector building with lobby, exercise room, storage, laundry, mechanicals. Parking for 19 cars in rear lot; reduced and formalized from current parking size and layout.

Background:

- Zoning Sketch Plan Review ZP15-0539SP; Addition to existing mixed use (office/1 residence) historic building. November 18, 2014.
- Zoning Permit 11-0503CA; replace existing gas boiler, new vent through exterior back wall, south side. Approved December 2010.
- Zoning Permit 90-138; 2' x 4' parallel sign on façade of existing office building. April 1990.
- Zoning Permit 87-909 / COA 88-053; expansion of parking area. Required to provide revised landscaping plan. Approved May 13, 1988. [27 parking spaces illustrated on approved site plan.]
- Zoning Permit 82-245 / COA 82-47; enclose front porch and make improvements to entrance drive. No additional coverage. May, 1982.
- Zoning Permit 80-846; two apartment to remain, alteration work for office use. Addition is a porch and a stair hall. April 1980.
- Zoning Permit 80-723; convert nine rooms into two apartments. No construction needed. Three existing [apartments] for a total of four apartments in existing building. Approved January 18, 1980.
- Zoning Permit 80-727; six unit apartment addition. Approved January 22, 1980.
- Zoning Permit 78-32; expand present use to a total of 16 dwelling units. (Apartments total 4 dwelling units.) Permit issued August 8, 1978. [16 parking spaces illustrated on site plan.]
- Zoning Permit 76-938; addition of bedroom extension between two existing porches on the first floor, 13' x 16'. Approved May 21, 1976.
- Zoning Permit 76-257; erect a 6' x 85' stockade fence on the rear of the property. Approved August 1975.

Overview: This application for Major Impact review of an addition to provide 12 new residential units and a reduced parking area follows Sketch Plan Review. The principal structure is known as the Peck House (c. 1835), and is listed on the National Register of Historic Places within the Main Street College Street Historic District. There is existing office space (5800 sq. ft.) and one residential unit on the 2nd floor. The application reflects significant building changes from the one provided at Sketch Plan.

The applicant requested deferral for DRB review to allow for further consultation with neighbors, and for plan revision. The new plans are the focus of this review.

The **Design Advisory Board** reviewed the application (with first revisions) at their December 9, 2014 meeting, and voted 4-0 to forward to the DRB with a recommendation for approval. Board comments included:

1. It is the opinion of the Design Advisory Board that through massing and detailing, the project addition is sufficiently compatible and differentiated from the existing structure.
2. The applicant is asked to look at material that is less prominent in contrast to existing brick, i.e. color.
3. It is the DAB's opinion that the parking lot layout provides sufficient pedestrian access to the rear of the building.
4. Short term bicycle parking (rack) meeting the *City of Burlington Bicycle Parking Guidelines* will need to be defined on the site plan.
5. The dumpster shall be brought into compliance, out of required setbacks.
6. The rear walkway shall be differentiated, other than typical striping.

Recommendation: Major Impact / Certificate of Appropriateness Approval per the following findings and conditions:

I. Findings:

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impacts fees will be based upon the gross new square footage submitted by the applicant. Any residential project containing newly constructed dwelling units or substantially rehabilitated housing units that are affordable for households (see subsections (1), (2) or (3) of Section 3.3.3.) are eligible for a waiver of impact fees for that portion of the project. The applicant is advised to consult with the City Housing Trust Manager relative to ordinance pertaining to Inclusionary Zoning (Article 9) for applicability for this project. **Affirmative finding as conditioned.**

Major Impact Review

Section 3.5.2 Applicability

(b) Major Impact Review

1. *The Construction or substantial rehabilitation of five (5) or more dwelling units or the creation through adaptive reuse-conversion of 10 or more dwelling units.*

The construction of 12 new apartments will trigger Major Impact Review.

Section 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(a) Conditional Use Review Standards: Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on the following general standards:

1. The capacity of existing or planned community facilities;

This is an existing high density residential area. The net addition of twelve new residential units will increase the intensity of use at the site, but are anticipated within the High Density Residential Zoning District. The increase in the number of dwelling units should be off-set by the payment of Impact Fees, and should ultimately pose no adverse impact to existing or planned community facilities. **Affirmative finding as conditioned.**

2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;

The addition of twelve new residential units in this high-density residential district would meet the character and specified intent of the zoning district. The applicant has defined the specific intent to create smaller units with fewer bedrooms, rather than a fewer number of residential units with a high bedroom count. Previous applications have been approved for units that were likely to have multiple roommates and require higher parking counts and management plans. This proposal is answering the demand for housing that has become a recent focus; finding residential options for professionals that wish to live close to where they work and play. The small unit size and limited bedroom count is the development response to the change to the Functional Family Housing provision, which now extends into the RH zone. Given the design intent and occupancy likelihood, this is a different archetype than the four bedroom units previously entertained by this board. This substantial change decreases the chance that the units will unduly and adversely affect the character of the area. As proposed, the increased number of units as a result of a significant decrease in unit size would seem to meet targets of the ordinance as well as the character of the zoning district. See attached narrative for applicant summary.

From the MDP:

- *Support housing models, organizations, and programs that insure perpetual affordability, fill gaps in the housing tenure ladder, and increase the overall supply of housing the community. (Municipal Development Plan, Housing Plan, Page IX-2.)*
- *Support the development of additional housing opportunities within the city... (Municipal Development Plan, Housing Plan, Page IX-1.)*
- *Retain [Burlington's] moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities. (MDP, Page III-1.)*
- *Encourage new land uses and housing designs that serve changing demographics and benefit from new technologies where appropriate. (MDP, Page III-1.)*

Affirmative finding.

3. Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;

The proposal includes appropriate consideration for resident parking, while utilizing an existing curb cut. As there is an existing office use and a single residential unit, there is active vehicular circulation on-site at present. Neighborhood traffic is not anticipated to be of measurable difference, given the existing conditions on College Street and the close proximity to institutions and downtown. An ordinance amendment (ZA 14-07) changed both the parking district (from Neighborhood to Shared Use) and the required number of parking spaces for the uses proposed. The application was submitted within the warning period, therefore rights are vested.

This is the last application to be reviewed under that parking amendment.

See discussion under Article 8, below. **Affirmative finding.**

4. Any standards or factors set forth in existing City bylaws and city and state ordinances;

The zoning district and the City Master Plan support increased residential development in the RH zone. The application will be required to be compliant with provisions of Chapter 26; Burlington's wastewater, stormwater and pollution control ordinance. The Functional Family provisions of the ordinance will apply to the new residential units.

There is no identified conflict with City bylaws or state ordinances. **Affirmative finding as conditioned.**

5. The utilization of renewable energy resources

No part of this application will prevent the use of wind, solar, or water energy sources.

Southerly exposure will complement the rear access/lobby for residential use; the broad westerly exposure will provide an opportunity for solar gain in the new apartments. All development will be required to meet energy efficiency standards as defined by Burlington Electric. **Affirmative finding as conditioned.**

and,

In addition to the General Standards specified above, the DRB;

6. shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;

The parcel is zoned for high density residential housing, and can accommodate the proposed density. The cumulative impact must be considered negligible. **Affirmative finding.**

7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Zoning Amendment ZA-13-01 extended the Functional Family provisions of the ordinance to the RH district. *In all residential districts ~~except the RH district~~, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.*

Those restrictions will apply to the new residential units. **Affirmative finding as conditioned.**

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

The proposal intends to utilize the existing vehicular access point off College Street. The edges of this parking access (and rear lot) are not currently clearly defined, but constrained by landscaping. The proposed site plan reflects a continued access from College to a rear parking lot that will now be defined and largely observant of required setbacks except where noted as previous encroachment. Additional landscaping is proposed for the southwesterly corner; parking is constrained on the west and east by significant grade changes. **Affirmative finding.**

9. may limit the number, location and size of signs.

Signage is limited to ADA handicap access/parking signage, which does not require zoning approval. Any additional signage will require a separate sign permit. **Affirmative finding as conditioned.**

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

Whenever parking is proposed against a property line, headlight trespass is a concern. It is appropriate to consider landscaping or some other device to prevent light from crossing the property line to the south, and perhaps the west. (There is a significant grade change to the west, with the Fairpoint parking lot immediately adjacent.) The goal is to prevent headlights reaching neighboring properties in a manner that would be unwelcome or introduce a nuisance. The applicant has submitted a landscaping plan (revision date 3/12/2015) that includes new trees on the southwesterly portion of the lot (immediately abutting a neighboring daycare); existing trees on the property of the southerly abutter will likely provide an adequate screen from most headlights. A fence may be illustrated there as well, however the annotation is scrambled on the plan.

An existing cedar hedge is noted on the westerly property line, and significant planting along the westerly elevation of the new building. **Affirmative finding as conditioned.**

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

The Comprehensive Development Ordinance Section 3.2.9 (d) effects a two year time limit on project construction and completion. **Affirmative finding as conditioned.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

Typical and reasonable hours for development are Monday through Friday 7am to 6 pm with a limit on weekend hours (Saturday 9 am to 5 pm for interior work only.) **Affirmative finding as conditioned.**

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

This is a statutory requirement. **Affirmative finding as conditioned.**

14. may consider performance standards, should the proposed use merit such review.

Hours of construction are proposed to be limited. Any other performance standards would be at the discretion of the DRB. **Affirmative finding.**

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

Conditions would be proposed under the appropriate findings.

(b) Major Impact Review Standards:

1. Not result in undue water, air or noise pollution;

The addition of 12 residential units within the RH zoning district is not anticipated to unduly impact water, air or noise pollution. The permit history defines approval for as many as 16 dwelling units at one time within this building (see permit history, 1978.) If implemented, those units must have been very limited in size. Similarly, the building addition proposed includes small dwelling units (bedroom count is not specified; however parking is calculated based on studio/1 bedroom units) which are typically associated with singles or couples.

Limitation on the hours of construction will address undue noise during the actual construction period. **Affirmative finding.**

2. Have sufficient water available for its needs;

An email communication 12/16/2014 from the City Water/Wastewater Engineer confirmed adequate capacity for the project; however the applicant will be required to provide written documentation from the Department of Public Works that there is sufficient water and wastewater service for the proposed new residential units. **Affirmative finding as conditioned.**

3. Not unreasonably burden the city's present or future water supply or distribution system;

See above for written assurance condition.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

The applicant is required to submit a *Small Project Sediment and Erosion Control Plan* [approved December 17, 2014] as well as a *Stormwater Management Plan*. The project was reviewed by the Conservation Board March 2, 2015 for recommendations and guidance. All plans must be sufficient to meet the requirements of Chapter 26 review, and receive written

approval by the City Stormwater Administrator. Post construction compliance with any conditions imposed by those approvals will be a condition of approval.

Affirmative finding as conditioned.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

The addition of new residential units in an existing, developed high-density residential neighborhood should not cause unreasonable congestion or unsafe conditions. The project is located within walking distance of downtown and major institutions, such as UVM, Champlain College, and the University of Vermont Medical Center. It is on the route of the College Street Shuttle with connections to other CCTA bus routes. The applicant has provided a weekday hourly parking demand count (Exhibit “HP” and a chart for anticipated hourly total traffic generation of the 12 new units (Exhibit “HT”, as previously provided at Sketch Plan.) The maximum demand reported is 20 vehicles; slightly more than the number of parking spaces provided. The origination of this reporting is not given.

The development is on and near several CCTA bus routes.

Any impacts will be largely mitigated by Impact fees. **Affirmative finding as conditioned.**

6. *Not cause an unreasonable burden on the city’s ability to provide educational services;*

The size and limited bedroom count of the proposed new 12 residential units are unlikely to attract families with children; however the new units should not unreasonably burden the City’s educational services. Any potential impacts will be mitigated by Impact fees. **Affirmative finding as conditioned.**

7. *Not place an unreasonable burden on the city’s ability to provide municipal services;*

Infrastructure is already in place; the addition of new residential units will be offset by the payment of required Impact Fees. **Affirmative finding as conditioned.**

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

The existing building is within the **Main Street College Street National Register Historic District** (see attached.) The applicant has presented a flat roofed connector between the old and the proposed new building, issuing functional advantages to both buildings (shared handicap access, common mail, laundry, fitness facilities). This revised plan is the direct response to encouragement offered by the DRB at Sketch Plan in November, 2014; providing a strongly articulated counterpoint to the existing historic structure. In that the buildings are connected at the rear, it is possible to find the new development reversible per Section 5.4.8 (b) 10.

Affirmative finding.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The increase in residential units is anticipated to be inconsequential on future growth patterns; rather, is in concert with Burlington's Municipal Development Plan. **Affirmative finding.**

10. *Be in substantial conformance with the city's municipal development plan and all incorporated plans;*

The Municipal Development plan defines the mission to respect the city's architectural and cultural heritage (Page I-4), to conserve the existing elements and design characteristics of its neighborhoods and maintain neighborhood proportions of scale and mass (page III-1), as well as supporting the development of additional housing within the city (Page IX-1.) Additionally, the MDP directs development to respect the character of existing buildings and settings (Page IV-5.) The Design Advisory Board has found that the proposed new development is sufficiently compatible with the existing historic building to which it is attached. **Affirmative finding.**

11. *Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The development is specifically proposed to meet a deficiency in housing types; one bedroom rental units. The project is intended to increase both the number and quality of housing units within the City. **Affirmative finding.**

and/or

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Any impact of the development of new residential units will be offset by required Impact Fees. **Affirmative finding as conditioned.**

Article 4: Maps and Districts

Section 4.4.5 Residential Districts (b) Dimensional Standards and Density

Table 4.4.5-2 Base Residential Density

RH (high density)		40 dwelling units/acre allowable	Allowable intensity of use per Section 5.2.7 (a)
289 College Street (existing)	Lot size 21,810	Existing units: 5 1 residential, equivalent of 4 in office space. (5800/1500 = 3.8, or 4. 4 + 1 = 5 existing)	21,810/43560 = .5 acres 17 units proposed (13 residential, office sq.ft. 5800/1500 = equivalent of 4 units) 17/.5 = 34 (<40, res. Density cap for RH, 46 with IZ)* Meets allowable density as proposed.
Proposed		Proposed units: 12 new, 1 existing residential, office space equivalent to 4 dwelling units. (5800/1500 = 3.8, or 4) Total 17 proposed.	

*** Please note:** Calculations for Density and Intensity of Development are made utilizing specific method outlined in Section 5.2.7 (a).

Affirmative finding.

Table 4.4.5-3 Residential Dimensional Standards

Zoning District	Max. Lot Coverage	Setbacks			Maximum Height
		Front	Side	Rear	
RH	80%/ 92% with IZ requirement	Ave. of 2 adjacent lots on both sides +/- 5'	10% of lot width or average of side yard setback of two neighboring properties	25% of lot depth, not less than 20'	35'
Existing	57.3% as provided on Plan C1.1	Approx. 31' as scaled from submitted plan.	Approx. 58' on west, specific measurements not given.	Approx. 66' as scaled from plan	Not provided
Proposed	65.7% as provided on Plan C1.1 Lot size and specific component sq. ft not provided.*	Addition is equal in setback with existing building frontage approx. 4'	7.5 'as averaged from adjacent properties (2 on east; westerly setbacks only)*	Approx. 43' as scaled from plan. Lot depth of 169' would require 42.43'.	Does not exceed existing building height. < 35' offered. Needs accurate number to confirm.

*Applicant had provided 71.1% as proposed coverage on previously submitted Plan C1.1; although a calculation of lot coverage $17,426/21,810 = 79.9\%$. Proposed coverage is now given as 65.7%. The applicant should confirm proposed square foot coverage as current version is substantially less than previously provided.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

Offices are not a permitted use in the RH zone (See **Appendix A, Use Table**, and **Section 5.1.1. (a), Preexisting uses**); however this is an existing, permitted office and therefore may remain. Attached dwellings, multi-family are a permitted use in the RH zone. See Appendix A, Use Table. **Affirmative finding.**

Part 2: Dimensional Requirements

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

The lot has access to a public road. (College Street.)

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

Not within the RCO, WRM, RM, WRL or RL zoning district.
Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.5-2, above.

Part 4: Special Use Regulations

Section 5.4.8 Historic Buildings and Sites

289 College Street is on the National Register of Historic Places, within the Main Street College Street Historic District.

See attached excerpt from the Main Street College Street Historic District.

(b) Standards and Guidelines:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

289 College Street was constructed as a residential structure. Its conversion to office space in 1980, with a small residential component, has not altered the essential character of the structure. Development is proposed as a new addition and connector, which will be associated with new residential use. **Affirmative finding.**

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

The original structure will be retained, with a connector limiting the physical contact between old and new. The new development will utilize the large lawn area that has been associated with the property for more than 180 years, but this reflects infill associated with growing communities and as typified on this street.

Affirmative finding.

3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

289 College Street illustrates how buildings evolve; illustrating not less than four appended structural alterations. Still, the classic Greek Revival remains prominent, distinctive and discernable.

No conjectural features from other historic properties are proposed. **Affirmative finding.**

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

By and large, the existing structure will remain; the point of contact is relegated to the rear (south) of the structure; the contact point being at a later addition and at a less visible location.

Affirmative finding.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

This is no identified loss or harm to significant historic features, materials or finishes.

Affirmative finding.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.

Any alteration to historic features or materials will require that they be replaced in kind.

Affirmative finding.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

The connector is proposed to be attached at a point in the rear where there exists a later addition. Although not contemporary with the core structure, it retains significance unto itself. The connector should not meaningfully impair either. **Affirmative finding.**

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

None have been identified. If ground disturbance brings significant artifacts or other resources to light, appropriate measures will be exercised in the treatment and handling of such items.

Affirmative finding as conditioned.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

The proposed development attaches itself to the historic building at the rear, and at an area that is, itself a building addition. In this manner, it has the least physical intrusion, and minimizes loss of historic materials at a location that is the least visible.

The use of a “hyphen” connector structure separates the two building volumes, and is recessed behind both. Its appearance is further minimized by the dark choice of materials on the upper floor; easing the transition between buildings.

The new work is clearly differentiated from the existing historic structure. The significant change in vocabulary provides a striking contrast that challenges compatibility between this building and its host, as well as those who flank on either side. Compatibility has been identified with the massing, arrangement of bays, and prominent orientation to the street; subtle design cues from the historic building. This stark contrast is, however, the direction given by the DRB at Sketch Plan.

Typical additions to historic buildings do not enjoy equal prominence with the principle structure, but observe a presence that is smaller, subordinate and deferential. In this matter, additional direction may be taken from the National Park Service Preservation Briefs (#14, in particular) which are not regulations themselves, but guidelines for interpreting the Secretary of the Interiors Standards. That document recognizes that in some instances, particularly in urban areas, additions cannot always be located on side or rear elevations and must face the streetfront prominently. This may occur with large buildings, like museums, libraries, or government buildings that require additional space. A local example would be the addition to the Carnegie/Fletcher Free Library, also on College Street.

Height and setback from the street should generally be consistent with those of the historic building and other surrounding buildings in the district...Large new additions may sometimes be successful if they read as a separate volume, rather than as an extension of an historic structure, although the scale, massing and proportions of the addition still need to be compatible with the historic building.¹

The rear connector is deeply recessed between the existing building and the new development, separating the structures visually so as to appear more as separate structures than a single entity. When designed as an infill building, with the least impact on the existing historic structure, the plan can be viewed as abiding by the direction of that document and course laid out by the Development Review Board at Sketch Plan.

Affirmative finding if found in conformance with this standard.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

It may be possible to deconstruct the new work and find the historic structure relatively unimpaired. **Affirmative finding.**

Article 6: Development Review Standards

PART 2: SITE PLAN DESIGN STANDARDS

Section 6.2.2 Review Standards

(a) Protection of Important Natural Features:

Similar to 323-325 College Street (ZP11-0086CA), there is a substantial lawn west of the existing structure which is proposed to accommodate the new residential addition. A landscaping/planting plan has been provided (Plan L-1.0, L2.0). Stormwater Management and Erosion Protection and Sediment Control plan approvals will be required prior to release of the zoning permit. The Conservation Board found the application to be acceptable March 2, 2015.

¹ Ann Grimmer and Kay D. Weeks, "New Exterior Additions to Historic Buildings; Preservation Concerns", Preservation Brief 14 (Washington D.C.: National Park Service, Department of the Interior, 2010) 6.

Affirmative finding as conditioned.

(b) Topographical Alterations:

Again, the existing lawn slopes very gradually to the west, an area that is proposed to accommodate the development. The new addition is proposed to have an exposed concrete foundation. Revised plans include both a principle entrance to the new building from College Street, and a board formed concrete entrance area to a below-grade resident entry to the ground floor level. Functionally, the living area on the lowest level will emerge from the grade change, benefiting from that topography. **Affirmative finding.**

(c) Protection of Important Public Views:

This is a private parcel, where there are no publically accessible views. New residents, however, may have the opportunity to enjoy westerly views toward Lake Champlain.
Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Section 5.4.8(b).

See Section 5.4.8 above.

(e) Supporting the Use of Renewable Energy Resources:

No part of this application will preclude an opportunity to use direct sunlight, solar, wind, or geothermal; all of which are encouraged.

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

Significant fenestration on the west, and in a more limited fashion on the south elevation, will allow access to available solar.

It does not appear that the building connector or addition exceeds the height of the existing building. Due to placement of the new addition, no neighbors to the north, and a parking lot to the west; adverse shadow impacts are not anticipated by the new addition. **Affirmative finding.**

(f) Brownfield Sites:

None identified.

(g) Provide for nature's events:

The connector porch will provide a covered, dry access point for residents to transition from the parking lot to the building. Pedestrian access from the College Street sidewalk will continue via paired walkways from College Street; the westerly one to a revised streetfront entry that squarely faces the public right-of-way. Both will provide sheltered access. **Affirmative finding.**

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing “street-edge,” or where necessary, located in such a way that complements existing natural features and landscapes.

The proposed addition is situated so as to re-inforce the street edge; presenting what appears to be an individual stand-alone building fronting College Street.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street.

A revised entryway to the new development presents a clear front door to the new building.

While the new addition will likely have some solar/ shadow impacts, they are not likely to negatively impact the ground floor area of neighboring properties. **Affirmative finding.**

(i) Vehicular Access:

There is no change proposed to the vehicular access. The existing curb cut and driveway will be utilized. The dumpster has been relocated to the terminus of the access drive and outside a required setback. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

There is an existing pedestrian walkway to 289 College Street offices; a new walkway is proposed to the College Street residential addition.

A small concrete entrance ramp is identified on the site plan for the rear entry, directly connected to a handicapped parking space and striped h/c access area. The DAB has accepted the handicap access alley as a pedestrian pathway, if demarcation is made by some other method than standard striping. **Affirmative finding as conditioned.**

(k) Accessibility for the Handicapped:

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled.

The supporting narrative defines one fully ADA compliant unit, with the four new first floor units meeting VT Access Rules.

A new ADA compliant handicapped access lift is proposed that will result in complete access for all first floor office space as well.

One handicapped parking space with loading area is identified on the site plan immediately adjacent to the entry ramp.

Affirmative finding.

(l) Parking and Circulation:

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

The parking area is existing, and is proposed to be significantly diminished in size to accommodate the new addition. Previous permits acknowledged up to 27 parking spaces. The “existing” site plan and a site visit confirm the loose boundaries of the parking area. Nineteen parking spaces (19) are now proposed is a defined within a specific parameter and bound by landscaping and terrain changes.

*Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of **1 shade tree per 5 parking spaces** with a minimum caliper size of 2.5”-3” at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.*

The landscaping plan provides for 2 new shade trees (Honey Locust) at the south of the parking lot. For 19 parking spaces, 4 trees would be required to meet this standard. There are existing trees to the south of the lot, but remain on the abutting property. Similarly, 2 trees are illustrated to the east; however not entirely on this parcel. The DRB will be required to ascertain whether the proposed configuration meets this standard, or may be deemed acceptable given the existing landscaping.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

The DAB has accepted the handicap access lane as a pedestrian walkway between the parking area and the building. That board has conditioned this upon walkway differentiation by some other method than traditional striping. The chosen method must be identified prior to release of any zoning permit.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Long term bicycle storage is proposed in the basement of the existing structure. The number to be accommodated has not been identified. The narrative defines a wall mounted bike rack for one bike in each apartment. “Moveable” bicycle racks are proposed for the site; however a short term bicycle parking rack meeting the *City of Burlington Bicycle Parking Guidelines* will need to be defined on the site plan to assure its installation and to guarantee long term realization. The DAB has re-iterated this requirement.

See attached narrative about proposed carrier trolleys.

Affirmative finding as conditioned.

(m) Landscaping and Fences:

A landscaping/planting plan has been provided (Plan L-1.0 and L-2.0.) The street tree species and number shall be selected in coordination with the city arborist.

The courtyard area has been characterized as assisting with stormwater management. A green roof had been proposed in Sketch Plan review for the flat roof rear connector building. Although illustrated in green ink, it is not clear if that is still within the project plans. If so, a long term maintenance plan is required to assure its continued performance. See Section 6.3.2. (2), below.

Affirmative finding as conditioned.

(n) Public Plazas and Open Space:

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

An area identified as both a courtyard and raingarden is proposed between the buildings and fronting College Street. The applicant team has submitted that this area is not intended for residential circulation, but as a stormwater infrastructure feature.

A carriage step (“upping stone”) is proposed to be relocated as a site feature just west of the driveway.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

More recently revised elevations provide for an entrance to the lower level within that courtyard area, as well as a principle entrance facing College Street. Activity and use at both entrances should preclude any safety concern, especially as windows from the connector structure will have clear visibility of the site interior.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

Shading will be prone to the north and east; areas that are unlikely to induce negative shadow impacts. College Street is to the north, and the existing structure to the east.

Affirmative finding.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Lighting fixture selection has been provided. 2 types of full cut-off fixtures and bollards are presented. Fixture placement, height, and a photometric will be required to assure appropriate light levels and compliance with Sec. 5.5.2.

Affirmative finding as conditioned.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

A dumpster has been relocated from within a required setback to the terminus of the access driveway. It is proposed to be screened, with a 60” high wood gate facing the street. The rest of the enclosure is not defined, and needs to be.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

Rooftop mechanicals are proposed to be situated on the new addition, with a fenced enclosure as concealment designed to match. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The proposed addition is similar to the mass, height and scale of the existing building.

Affirmative finding.

2. Roofs and Rooflines.

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail.

The flat roof has a few examples on College Street: 383 College (Astra Apartments, designed by Benjamin Stein and constructed in 1960 as a Tau Epsilon fraternity); the easterly addition to Fletcher Free Library; the former Ethan Allen Club; and the more recent addition at 323-325 College. The flat roof generally reflects modern infill.

Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

Mechanicals are proposed to be screened on the rooftop of the new addition.

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

A green roof has been suggested in previous plans on the rear connector. If this remains in the plan, it will require an articulated maintenance plan to assure its continued performance.

Affirmative finding as conditioned.

3. Building Openings

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an “accessible route” to the building. Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

See Sec. 6.2.2.(h) and (k).

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

The submitted narrative suggests that window placement attempts to reflect the streetfront rhythm of the existing historic building. The expanse of the westerly elevation has a strong horizontal effect, although the arrangement and proportions appear appropriate to the residential use. The windows themselves are without detail; casement and/or slider operation (or fixed light, in the case of the window bay.) The general arrangement and style reflect the more modern aesthetic of the new development.

A small canopy over the College Street entrance is now proposed. It is not within the public right-of-way.

No awnings are proposed.

Affirmative finding.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

Not applicable.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8, above.

(c) Protection of Important Public Views:

See Section 6.2.2. (c) above.

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

The strong geometric theme has a distinctive horizontal cornice line, continuous around the perimeter of the building and echoed in the horizontal metal siding. A small 1st floor bay projection hugs the northwest corner, and is punctured with a fixed window on the north and two casements on the west. The ground floor is largely indiscernible from (College) street view by the change of grade, change of materials, and a constructed window well. A vantage from the west provides greater visibility of that level.

The connector is recessed behind the existing office space, with window openings for the exercise room (below grade) and laundry. Metal siding tops the link, with small window openings to provide what appears to be clerestory lighting for an interior stair.

Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.

No changes are proposed to the existing office space, which is within the historic Peck structure.

Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to

maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.

Although not within the Downtown District (this is RH), a courtyard/raingarden is proposed between the buildings and accessed via a new pedestrian walkway and a below-grade building entrance.

A carriage step had been proposed to be relocated just west of the driveway. (Plan C1.1.)

Affirmative finding.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

The connector building is proposed to have either wood clapboard or fiber cement board at the first floor, and corrugated metal above the roof. The addition on the west is proposed to have flat metal panels, chosen to be a color similar to brick. Corrugated metal is proposed for the accent siding around the projecting bay.

Windows are proposed to be fiberglass. A storefront entryway is identified at the rear. The information provided indicates that a range of finishes is available, products meet energy efficiency standards, and they will provide durable service.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The new development will impact the historic building only at the point of connector. No repair, restoration or replacement of historic materials is included within the application.

Affirmative finding.

(f) Reduce energy utilization:

The new construction will be required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

See Section 6.2.2. (e).

Affirmative finding as conditioned.

(g) Make advertising features complementary to the site:

No signage is proposed. Any signs will require a separate sign permit.

Affirmative finding as conditioned.

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties.

Gas and water service currently have a direct connection to the College Street frontage of the existing building, and are screened by landscaping. Electricity, telephone and cable are overhead. These should be called out on elevations or site plans, as appropriate, to review for the necessity for screening. Any new electrical service must be undergrounded. Other utility connections must remain screened, if they remain on the primary elevation.

Mailboxes are assumed to be located within the rear lobby area. The applicant shall define.

Bike racks have been defined on site plans (C1.1, L1.0). The type of rack is not defined, nor the number of bicycles it may accommodate. It is required that they meet the style and location requirements of Article 8 and Section 6.2.2. (l). Bike parking guidelines may be viewed here:

http://www.burlingtonvt.gov/uploadedFiles/BurlingtonVTgov/Departments/Public_Works/Transportation_Policy_and_Planning/Bicycling_and_Walking/Bicycle%20Parking%20Guidelines.pdf

Via this link:

<http://www.burlingtonvt.gov/DPW/Walk-Bike-In-Burlington>

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure's design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered "ornamental and symbolic features" pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Rooftop mechanicals are proposed to be screened behind a barrier sheathed to match the building. It does not appear that they would exceed 10% of the rooftop; however the applicant shall confirm.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 5 Performance Standards.

The applicant has provided information relative to potential noise emission from the rooftop equipment. Decible levels for performance of individual units are in the range of a hairdryer or

vacuum cleaner; as submitted, they are not expected to introduce undue negative impacts to residents or neighboring properties. **Affirmative finding as conditioned.**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

All appropriate ingress and egress standards, including access for emergency vehicles, shall meet the requirements of the building inspector and the fire marshal. **Affirmative finding as conditioned.**

Article 8: Parking

Zoning Amendment 14-07 altered the parking district for this parcel, as well as the specific parking requirement. The amendment was within a 150 day active period (warned June, 2014) when the applicant made the original Sketch Plan application; therefore there are vested rights that allow the applicant team to avail themselves of its substance. Previously mapped as part of the Neighborhood Parking District, Map 8.1.3-1 was modified by the proposed amendment to expand the Shared Use Parking District to this neighborhood. New requirements per Table 8.1.8-1, as modified by ZA14-07, require .33 parking spaces per Studio/1 bedroom unit. The applicant will need to break down the bedroom count for all residential units to appropriately assign a parking requirement to this proposal; however if all residential units are 1 bedroom or studio apartments, the calculation is:

$13 (1 \text{ existing and } 12 \text{ new}) \times .33 = 4.29 (4)$

Office space 5800 existing at 1 parking space/500 sf. = 11.6 (12)

$12 + 4 = 16$ parking spaces required; 19 are provided on the site plan. As proposed, parking requirements are satisfied for 13 residential (Studio or 1 bedroom) units and 5800 sq. ft. of office space. **Affirmative finding.**

Section 8.1.12 Limitations, Location, Use of Facilities

(h) Compact Car Parking

Compact parking spaces maybe used in parking structure or lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the words "Compact Car Only."

The submitted site plan illustrates parking spaces ranging from 8' x 18' to 9' x 18'; the westerly 3 spaces designated as Compact. The remaining spaces meet the minimum parking standard when the bumper overhang is accounted for. This is an existing parking area and has previously been permitted for up to 27 vehicles.

Minimum back-up length in Table 8.1.11-1 for a 90 degree parking space is 24.0'. The plan varies from 21.4 to 24'; some less than the stated standard; however the lesser back-up space is associated with the compact car spaces, and therefore acceptable.

The 15% limitation noted in this standard is identified for parking garages, not lots. Compact cars have no specific limitation in parking lots.

Affirmative finding.

Section 8.1.3 Parking for Disabled Persons

Parking spaces for disabled persons shall comply with current Americans with Disabilities Act guidelines and shall be at least eight feet (8') wide with an adjacent access aisle at least five feet (5') wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

One handicapped parking space is identified on the submitted site plan, with an adjacent access lane that appears to immediately connect to the building access ramp. Signage to identify the space as reserved must be included, as noted. **Affirmative finding.**

Section. 8.2.5 Bicycle Parking Requirements

Table 8.2.5-1

Requirement per CDO	Residential Housing Living, multi unit, 1 per 4 units Long Term; 1 per 10 units Short term. Office use: 1 per 5,000 sq. ft Long term.; 1 per 10,000 sq. ft. short term.
289 College Street requirement	Residential: 3 long term, 1 short term. Office use: 1 long term, 1 short term. Total bicycle parking requirement: 4 long term, 2 short term.

Outside bicycle parking is identified on site plans. The applicant has provided testimony previously that there is the intent to install bike hangers in each unit. These are not evident on floor plans; however there is a large storage room on the ground floor that may provide additional room for bicycle storage. The applicant is encouraged to provide bicycle parking in excess of the (minimal) requirement, to meet the anticipated need of residents.

Affirmative finding.

Section 8.2.7. Location and Design Standards

- (a) All bicycle parking facilities shall be installed in accordance with the department of public works "Bicycle Parking Guidelines."*
- (b) Bicycle parking or a sign leading thereto shall be visible from the main entrance of the structure or facility.*
- (c) Bicycle parking shall be visible, well lit, and as convenient to cyclists as auto parking.*
- (d) Bicycle parking facilities shall provide sufficient security from theft and damage. They shall be securely anchored to the ground, shall allow the bicycle wheel and frame to be locked to the facility, and shall be in a location with sufficient lighting and visibility.*
- (e) Bicycle parking facilities shall be visually compatible and of a design standard consistent with their environment and the development standards of Art 6.*

- (f) *Required bicycle parking spaces shall be of a sufficient dimension to accommodate a full-sized bicycle, including space for access and maneuvering.*
- (g) *Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas to protect parked bicycles from damage by motor vehicles.*
- (h) *The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.*
- (i) *Bicycle parking racks and lockers shall be anchored securely.*
- (j) *Existing bicycle parking may be used to satisfy the requirements of this section provided the rack design is consistent with the department of public works "Bicycle Parking Guidelines."*

Bicycle parking is identified on site plans and/or floor plans as appropriate; meeting the above standards. **Affirmative finding as conditioned.**

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability

- (a) *The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures...*

The application for 12 new residential units requires inclusion of IZ units. Typically, 15% of new units are required to be perpetually affordable. 15% of 12 new units = 2 units. The applicants are encouraged to work with the Housing Trust Manager through CEDO to confirm the number of units, to agree on the level of affordability and corresponding rents, and to secure a letter of compliance that may reduce Impact Fees proportionately for the development.

Affirmative finding as conditioned.

Article 11: Planned Development

Section 11.1.3 Major and Minor Planned Unit Development

A minor Planned Unit Development shall include any development consisting of:

- (a) *5 or more units in a single structure, prompting the requirements of Article 9, Inclusionary and Replacement Housing.*

Minor PUD's shall be exempt from the requirements and standards of this article, but shall be subject to the development standards as otherwise required by this ordinance.

Although the number of new residential units triggers identification as a minor Planned Unit Development, this project is exempt as noted from the specific requirements of Article 11. See Article 9, above for review of Inclusionary requirement.

Not applicable.

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the applicant shall define the gross new habitable floor area and provide to staff.
2. Impact fees, based upon the gross new square footage submitted by the applicant, must be paid at least seven (7) days prior to occupancy of the new building. Any residential project containing newly constructed dwelling units or substantially rehabilitated housing units that are affordable for households (see subsections (1), (2) or (3) of Section 3.3.3.) are eligible for a waiver of impact fees for that portion of the project. The applicant is

- advised to consult with the City Housing Trust Manager relative to ordinance pertaining to Inclusionary Zoning (Article 9) for applicability for this project.
3. The new residential units will be subject to occupancy limits related to Functional Family provisions of the ordinance.
 4. Signage will require a separate sign permit.
 5. Hours for construction are limited to Monday through Friday 7am to 6 pm with a limit on weekend hours (Saturday 9 am to 5 pm for interior work only) unless otherwise directed by the DRB.
 6. It is the opinion of the Design Advisory Board that through massing and detailing, the project addition is sufficiently compatible and differentiated from the existing structure.
 7. The applicant is asked to look at material that is less prominent in contrast to existing brick, i.e. color.
 8. It is the DAB's opinion that the parking lot layout provides sufficient pedestrian access to the rear of the building. The area marked for handicap access will provide that differentiated area for general pedestrian entry. The rear pedestrian walkway shall be differentiated, other than typical striping. The manner shall be provided to staff **prior to release of the zoning permit**.
 9. Short term bicycle parking (rack) meeting the *City of Burlington Bicycle Parking Guidelines* will be required. The manner of rack shall be provided to staff for review and approval.
 10. The applicant shall define the presence or absence of a fence, and a description, along the southwesterly property line as appears evident on Plan L-2.0 and noted on Plan C1.1.
 11. Plans for the dumpster enclosure shall be submitted to staff for review and approval **prior to release of the zoning permit**.
 12. The applicant shall confirm coverage for the proposed development, to reflect changes made during plan revision and to clearly define coverage percentage.
 13. Stormwater Management and Erosion Protection and Sediment Control plan approvals will be required **prior to release of the zoning permit**. [EPSC approved December 17, 2014.]
 14. A long term maintenance plan is required to assure the continued performance of the proposed Green Roof **prior to release of the zoning permit**, if that feature remains in the plans.
 15. The DRB must determine whether the existing (some on neighboring properties) and proposed trees will meet the shading requirement for the rear parking lot.
 16. Lighting fixture placement, height, and a photometric will be required to assure appropriate light levels and compliance with Sec. 5.5.2. **prior to release of the zoning permit**.
 17. The applicants are directed to confer with the Housing Trust Manager through CEDO to confirm the number of Inclusionary residential units required, to agree on the level of affordability and corresponding rents, and to secure a **letter of compliance** that may reduce Impact Fees proportionately for the development.
 18. The new construction will be required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

19. The applicant shall provide a roof plan illustrating the area dedicated to mechanicals; confirming that not more than 10% of the roof area exceeds height limitations **prior to release of the building permit.**
20. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.